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February 26, 2007

**BY E-FILING**

The Honorable Gregory M. Sleet  
United States District Court  
Federal Building  
844 King Street  
Wilmington, DE 19801

Re: Illinois Tool Works Inc. v. Frito-Lay North America, Inc.,  
C.A. No. 06-54-GMS

Dear Judge Sleet:

Briefing has now been completed in connection with defendant's Request That The Court Determine That The Issue Of Unpatentability Of The Contested Subject Matter May Not Be Litigated In This Action Under 35 U.S.C. § 146 (D.I. 16, 18 & 20). Plaintiff Illinois Tool Works Inc. hereby requests oral argument in connection with this motion.

Respectfully,

*/s/ Rodger D. Smith II*

Rodger D. Smith II (#3778)

cc: Clerk of the Court (By E-filing)  
Joseph A. Hynds, Esquire (By Email)  
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